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14 **UNITED STATES DISTRICT COURT**
15 **NORTHERN DISTRICT OF CALIFORNIA**
16 **OAKLAND DIVISION**

17 BRIAN GLAUSER, individually and on
behalf of all others similarly situated,

18 *Plaintiff,*

19 v.

20 GROUPME, INC., a Delaware corporation,

21 *Defendant.*
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Case No. 4:11-cv-02584-PJH

**JOINT STIPULATION TO SET
BRIEFING SCHEDULE ON
DEFENDANT GROUPME, INC.'S
MOTION FOR SUMMARY JUDGMENT**

1 Pursuant to the Court's Order entered March 27, 2014 (Dkt. 93), plaintiff Brian Glauser
2 ("Glauser") and defendant GroupMe, Inc. ("GroupMe" together with Glauser, the "Parties"), by
3 and through their respective counsel of record, hereby stipulate and agree to a discovery and
4 briefing schedule on GroupMe's pending summary judgment motion (Dkt. 107) as follows:

5 **WHEREAS**, by its March 27, 2014 Order, the Court (i) set April 28, 2014 as GroupMe's
6 deadline to file a summary judgment motion regarding whether GroupMe used an "automatic
7 telephone dialing system" ("autodialer" or "ATDS") to transmit text messages to Glauser's
8 cellular telephone as alleged in Glauser's First Amended Class Action Complaint (Dkt. 34), and
9 (ii) ordered the Parties to meet and confer after GroupMe filed its summary judgment motion
10 regarding a discovery and briefing schedule related thereto;

11 **WHEREAS**, in its March 27, 2014 Order, the Court stated it would allow the Parties up
12 to 60 days after April 28, 2014, to complete discovery regarding the autodialer issue addressed in
13 GroupMe's summary judgment motion, and an additional 30 days thereafter for Glauser to file
14 his brief in opposition to GroupMe's summary judgment motion;

15 **WHEREAS**, on April 28, 2014, GroupMe filed its summary judgment motion (the
16 "Motion");

17 **WHEREAS**, per the Court's Order, the Parties have conferred and agreed to a discovery
18 and briefing schedule that provides 60 days for the completion of discovery related to the issues
19 raised in GroupMe's Motion and 30 days thereafter for Glauser to file his opposition to the
20 Motion; and,

21 **WHEREAS**, Glauser represents that he anticipates presenting testimony by way of
22 declaration(s) in support of his opposition to GroupMe's Motion, likely including an expert
23 declaration. As a result, the Parties have further agreed that GroupMe shall have 21 days to reply
24 in support of its Motion, which will allow sufficient to time for GroupMe to seek to and take the
25 depositions of any such declarants prior to filing its reply brief.

1 **NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED** the discovery
2 and briefing schedule on GroupMe's summary judgment motion shall be as follows:

- 3 1. Deadline to complete discovery on autodialer issue raised in GroupMe's summary
4 judgment motion, except as noted in item 3 below: June 27, 2014;
- 5 2. Glauser's deadline to file opposition to GroupMe's summary judgment motion:
6 July 28, 2014;
- 7 3. GroupMe's deadline to take deposition of anyone, including experts, who submits
8 a declaration in support of Glauser's opposition to GroupMe's summary judgment
9 motion: August 17, 2014; and
- 10 4. GroupMe's deadline to file reply brief in support of its summary judgment
11 motion: August 18, 2014.

12 Respectfully Submitted,

13 **BRIAN GLAUSER**, individually and on behalf of all
14 others similarly situated,

15 Dated: May 15, 2014

16 By: /s/ Benjamin H. Richman
 One of Plaintiff's Attorneys

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GROUPME, INC.,

Dated: May 15, 2014

By: /s/ Bryan A. Merryman

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[PROPOSED] ORDER

Pursuant to the stipulation of the Parties, **IT IS HEREBY ORDERED:**

1. Discovery regarding GroupMe's pending summary judgment motion (Dkt. 107), shall be completed no later than June 27, 2014, except that GroupMe shall have until and including August 17, 2014 to take the deposition of anyone, including experts, who submits a declaration in support of Glauser's opposition to GroupMe's summary judgment motion;

2. Glauser shall file his opposition to GroupMe's summary judgment motion no later than July 28, 2014; and,

3. GroupMe shall file its reply brief in support of its summary judgment motion no later than August 18, 2014.

IT IS SO ORDERED.

ENTERED: _____, 2014

HON. PHYLLIS J. HAMILTON
UNITED STATES DISTRICT JUDGE